

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

LEADCLICK MEDIA, INC.,

No. C-06-03891 SC (JCS)

Plaintiff(s),

v.

**NOTICE OF REFERENCE; ORDER
RE DISCOVERY PROCEDURES;
ORDER TO MEET AND CONFER**

RERLATIONSERVE MEDIA, INC., ET AL.,

Defendant(s).

TO ALL PARTIES AND COUNSEL OF RECORD:

The above matter has been referred to the undersigned for resolution of Plaintiff's Motion for an Order Compelling Further Interrogatory Responses (the "Motion") and all future discovery matters.

As it appears to the Court that counsel have not made adequate efforts resolve this matter, IT IS HEREBY ORDERED that within five (5) calendar days from the date of this Order lead trial counsel for Plaintiff(s) and lead trial counsel for Defendant(s) shall meet and confer **in person** in the Juror Conference Room adjacent to Courtroom A regarding the subject matter of the Motion in an effort to resolve the matter(s). Within five (5) calendar days of the lead trial counsels' meet-and-confer session, the parties shall provide a detailed Joint Letter to the Court. This Joint Letter shall include a description of every issue in dispute and, with respect to each such issue, a detailed summary of each party's final substantive position and its final proposed compromise on each issue. The Court will then determine what further proceedings, if any, are necessary.

LAW AND MOTION PROCEDURES

Civil law and motion is heard on Friday mornings, at 9:30 a.m., in Courtroom A, 15th Floor, United States District Court, 450 Golden Gate Avenue, San Francisco, California.

In the event a **discovery dispute** arises, IT IS HEREBY ORDERED that before filing any discovery motion before this Court, the parties must comply with the following:

1. Lead trial counsel for both parties must meet and confer *in person* regarding the matter(s) at issue. This meeting shall occur after other efforts to resolve the dispute, such as telephone, e-mail, teleconference, or correspondence, have been unsuccessful. Once those efforts have proved unsuccessful, any party may demand a meeting of lead trial counsel to resolve a discovery matter. Such a meeting shall occur within ten (10) business days of the demand. The locations of the meetings shall alternate. The first meeting shall be at a location selected by counsel for Plaintiff(s). If there are any future disputes, the next such meeting shall be held at a location to be determined by counsel for Defendant(s), etc.
2. Within five (5) business days of the in-person meeting between lead trial counsel referred to above, the parties shall jointly file a detailed letter with the Court, which will include the matters that remain in dispute, a detailed substantive description of each side's position on each such issue, and a description of each side's proposed compromise on each such issue.
3. After the Court has received the joint letter, the Court will determine what future proceedings, if any, are necessary.

In the event that the parties continue to be unable to resolve the matters regarding the timing and scope of discovery, the Court will consider what future actions are necessary. These actions may include the following: (1) sanctions against a party failing to cooperate in the discovery process and meet and confer in good faith, as required by this Order, the Federal Rules of Civil Procedure, and the Local Rules of this Court; and/or (2) requiring the Chief Executive Officers of each party to attend the in-person, meet-and-confer sessions described above. The Court is not entering either of

1 these matters as an Order of the Court at this time, and fully expects counsel to meet their
2 obligations under this Order and under the Local Rules.

3 A party or counsel has a continuing duty to supplement the initial disclosure when required
4 under Fed. R. Civ. P. 26(e)(1).

5 Law and motion matters may be submitted without argument upon stipulation of the parties
6 and notification of the Court no later than 4:30 p.m. the day before the hearing. Pursuant to Civil L.
7 R. 7-7(e), filed motions may be withdrawn without leave of the Court, within seven (7) days of the
8 date for service of the opposition. Thereafter, leave of the Court must be sought.

9 All filings of documents relating to motions referred to the undersigned shall list the civil
10 case number and the district court judge's initials followed by the designation "(JCS)".

11 **ELECTRONIC FILING AND COURTESY COPIES**

12 Please refer to Civil L. R. 5-4 and General Order No. 45 for the Northern District of
13 California for information relating to electronic filing procedures and requirements. All documents
14 shall be filed in compliance with the Civil Local Rules. Documents not filed in compliance with
15 those rules will not be considered by the Court.

16 **BEFORE NOON ON THE NEXT BUSINESS DAY FOLLOWING THE ELECTRONIC**
17 **FILING, THE PARTIES ARE REQUIRED TO LODGE DIRECTLY WITH CHAMBERS ONE**
18 **CONFORMED, PAPER COPY OF EACH DOCUMENT, WHICH IS TO BE DESIGNATED**
19 **"JCS'S CHAMBERS' COPY."**

20 The failure of counsel or a party to abide by this Order may result in sanctions pursuant to
21 Fed. R. Civ. P. 16(f).

22 **IT IS SO ORDERED.**

23
24 Dated: July 30, 2007


JOSEPH C. SPERO
United States Magistrate Judge